

## **Section II (Remarks)**

### **Amendment to the Claims, and Allowability Thereof**

Claims 1, 5, 7-11, 14, 34 and 36-39 have been amended herein to place the application in condition for allowance.

Claim 1 has been amended to recite “a fan mounted in the collar to effect down-flow of air drawn from the ambient environment onto the high-capacity battery,” consistent with the disclosure at paragraph [0076] of “fan 144 ... mounted in the collar member 140 to effect down-flow of air drawn from the ambient environment ... onto the underlying battery assembly” and the suggestion of the examiner at page 3 of the April 1, 2009 Office Action. Such amendment therefore overcomes the rejection of claims 1, 2, 5-11, 13-17, 19 and 34-44 under 35 USC 112, first paragraph.

Claims 5, 7-11 and 14 have been amended for consistency with amended claim 1.

Claim 34 has been amended to excise the recital of “medial portions” in line 2 of the claim, to overcome the 35 USC 112, second paragraph rejection of such claim, and to recite “sidewall,” consistent with the antecedent terminology of claim 2. Claim 39 has been correspondingly amended.

Claims 36 and 37 have been amended to excise the recital “array of” to overcome the 35 USC 112, second paragraph rejection of such claim, as lacking antecedent basis for such terminology.

Claim 38 has been amended to insert the definite article “the” before the recital of “elongate form openings” in such claim, consistent with the examiner’s suggestion of such amendment.

The amendments made herein are fully consistent with and supported by the originally-filed disclosure of this application. No new matter within the meaning of 35 U.S.C. §132(a) has been introduced by the foregoing amendments.

All prior 35 USC 102 and 103 rejections have been withdrawn in the April 1, 2009 Office Action.

The prior restriction requirement withdrawing claims 2 and 34-44 has now been withdrawn, in favor of rejoinder of such claims with claims 1, 5-11, 13-17 and 19.

Claim 1 has been indicated to be allowable if amended to overcome the rejection under 35 USC 112, first paragraph. Claim 1 has been so amended and is now in form and condition for allowance, together with claims 2, 5-11, 13-17, 19 and 34-44 directly or indirectly dependent thereunder or otherwise incorporating all limitations thereof.

Claims 1, 2, 5-11, 13-17, 19 and 34-44 are therefore allowable.

### **CONCLUSION**

Based on the foregoing, all of Applicants' pending claims 1, 2, 5-11, 13-17, 19, and 34-44 are patentably distinguished over the art, and in form and condition for allowance. The examiner is requested to favorably consider the foregoing, and to responsively issue a Notice of Allowance. If any issues require further resolution, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same, in order that a patent can be issued on this application at an early date.

Respectfully submitted,

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